



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 23 2013

REPLY TO THE ATTENTION OF:

**MEMORANDUM**

**SUBJECT:** Recommendation to Issue a Notice of Violation to Peabody Midwest Mining LLC  
– Bear Run Mine, Carlisle, Indiana

**FROM:** Eileen L. Furey, Acting Chief  
Air Enforcement and Compliance Assurance Branch

**TO:** George T. Czerniak  
Director  
Air and Radiation Division

I recommend that you issue a Notice of Violation to Peabody Midwest Mining LLC - Bear Run Mine (Peabody) for violating the Indiana State Implementation Plan (SIP).

Specifically, on numerous occasions between June 13, 2012 and October 13, 2012, Peabody's fugitive dust from coal mining operations exceeded ambient air concentrations above 50 micrograms per cubic meter above background concentrations for a 60-minute period. Such exceedances violate the particulate rules for fugitive dust emissions, which are part of the federally-enforceable Indiana SIP. We discovered these violations through monitoring data obtained via a Section 114 Clean Air Act information request.

Attachment

State Representative Contacted:

Date:

By:

Phil Perry  
7/23/13  
Nathan Frank